

COUNCIL MEETING

NOVEMBER 20, 2013

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, November 20, 2013 at 9:13 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Mason K. Chock, Sr.
Honorable Gary L. Hooser (*excused at 10:55 a.m.*)
Honorable Mel Rapozo (*excused at 10:52 a.m. to 1:49 p.m.*)
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

Excused: Honorable Ross Kagawa

APPROVAL OF AGENDA.

Mr. Rapozo moved for approval of the agenda as circulated, seconded by Mr. Chock, and carried by a vote of 6:0:1 (Councilmember Kagawa was excused).

Chair Furfaro: Today, I do know that at 11:00 a.m. we will have a presentation from Tropic Care, Dr. Bal will be here. We also have a Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee hearing at 1:30 p.m., and we will take a Resolution for the Philippines at 2:00 p.m. introduce by Councilmember Yukimura. That is part of today's agenda.

PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

There being no one present to provide testimony at this time, the meeting proceeded as follows:

MINUTES of the following meetings of the Council:

August 6, 2013 Special Council Meeting

Mr. Bynum moved to approve the Minutes as circulated, seconded by Mr. Chock, and carried by a vote of 6:0:1 (Mr. Kagawa was excused).

CONSENT CALENDAR:

C 2013-364 Communication (11/04/2013) from the Director of Finance, transmitting for Council consideration, a Bill for an Ordinance to amend Ordinance No. B-2013-753, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2013 through June 30, 2014 by revising the amounts estimated in the General Fund. (*Office of the County Attorney, Special Counsel - \$95,053*): Mr. Rapozo moved to receive C 2013-364 for the record, seconded by Mr. Chock, and carried by a vote of 6:0:1 (Mr. Kagawa was excused).

Chair Furfaro:

Let us go to C 2013-365 please.

C 2013-365 Communication (11/14/2013) from Councilmember Yukimura, transmitting for Council consideration, a Resolution expressing sympathy and support for the victims of Typhoon Haiyan and our brothers and sisters in the Philippines: Mr. Rapozo moved to receive C 2013-365 for the record, seconded by Ms. Yukimura.

Chair Furfaro:
Any further discussion?

We scheduled the Resolution for 2:00 p.m.

The motion to receive C 2013-365 for the record was the put, and carried by a vote of 6:0:1 (Mr. Kagawa was excused).

COMMUNICATIONS:

C 2013-366 Communication (10/14/2013) from the Chief of Police, requesting Council approval to accept and utilize CrimeNtel, a Windows based software, through the Kaua'i Police Department's (KPD) collaboration with the Hawai'i State Civil Defense Division of the Department of Defense, for law enforcement purposes and to bring KPD in compliance with the 28 Code of Federal Regulations (CFR) Part 23: Mr. Rapozo moved to approve C 2013-366, seconded by Mr. Chock.

Chair Furfaro: Gentlemen, you are here for discussion and any questions and answers (Q&A) we might have on this item? Please come right up. I will let you introduce yourselves. Lieutenant, Sergeant, welcome. Good morning. Please introduce yourselves.

There being no objections, the rules were suspended.

PAUL APPLEGATE, Police Lieutenant: Good morning. I am with the Kaua'i Police Department.

CHRISTOPHER CALIO, Police Sergeant: My name is Chris Calio from the Kaua'i Police Department.

Chair Furfaro: Thank you Chris. Would you gentlemen tell us a little bit about the approval that you are seeking from us on the CrimeNtel, I guess, is what is referred to, meaning intelligence, I guess, but Ntel.

Mr. Applegate:

Yes, sir.

Chair Furfaro:

You have the floor.

Mr. Applegate: Thank you. The Kaua'i Police Department has the opportunity at this time to acquire a Windows based software called CrimeNtel. It is from the Hawai'i Civil Defense Division of the Department of Defense. The Hawai'i State Civil Defense has approved funding to provide the software to the Kaua'i Police Department at no cost to the County of Kaua'i. It is valued at twenty-one thousand two hundred dollars (\$21,200). We are asking for Council approval to accept the much needed software. CrimeNtel is a Windows based software which will help the Kaua'i Police Department combat organized crime as well as both foreign and domestic terrorism. It is a tool that analyzes information and makes useful connections between criminal organizations, their activities, their vehicles, involved individuals, and etcetera. This software will be used by the Kaua'i Police Department's Criminal Intelligence Unit. Organized crime as well as terrorist organizations are always looking for ways to exploit what they call "the weakest link" in planning their activities. The three (3) other police agencies in Hawai'i as well the State Fusion Center currently utilize CrimeNtel. Acquiring this software will allow the Kaua'i Police Department the ability to share information with above mentioned agencies and to be collectively more effective in combatting organized crime and terrorism here on Kaua'i. It will lessen our chances of being potential viewed as "the weakest link" in Hawai'i.

Chair Furfaro: Thank you. Questions anyone here at the table? Anyone? Councilmember Yukimura.

Ms. Yukimura: So, has this been vetted with Information Technology (IT) in terms of interface?

Mr. Applegate: Yes. We have gone through the proper paperwork to let them know about this and it has been approved as far as being compatible with the systems that we have now.

Ms. Yukimura: They do a review anytime you are getting software?

Mr. Applegate: Yes ma'am.

Ms. Yukimura: Are there costs for operation or maintenance in this case?

Mr. Applegate: There is a maintenance fee that is waived for the first year. There is no contract associated with the acceptance of this program. It is voluntary after the first year if we want to pay for maintenance which is currently three thousand (\$3,000) dollars a year. My understanding is that at subsequent budget hearings, we would ask for the maintenance fee, but that would not be my decision to make at this time.

Chair Furfaro: Excuse me.

Ms. Yukimura: Go ahead.

Chair Furfaro: So, two hundred fifty dollars (\$250) a month makes up the three thousand dollars (\$3,000)?

Mr. Applegate: I have not figured out the math? Is that right?

Mr. Calio: It is about right.

Chair Furfaro: Same in public school. I got it. Two hundred fifty dollars (\$250) a month is the maintenance fee after the first year.

Mr. Applegate: Yes, sir.

Chair Furfaro: Okay. JoAnn, thank you for letting me follow-up with that.

Ms. Yukimura: Oh, yes, that is fine to clarify that. I am thinking in comparison to many other places in the Country, terrorist crime is not a big thing on the list of priorities of our Department, but organized crime may be. Is this part of a Statewide effort to control?

Mr. Calio: What it is, ma'am, is when we look at terrorism there are two (2) types of terrorism that we look at. There is the domestic terrorism and then there is the international terrorism. What we try to focus more on and what we look at in the State of Hawai'i is more on the domestic side, but we also look at the international. We focus a lot more on the domestic side. So, with these organized crimes gathering their money selling drugs on the street, sending monies over to other terrorists, supporting terrorism, and all of that; that is what we look for. We take the information from various sources also from out beat officers and we put together these what we call "intelligence products" and we share it with credible agencies that use this software. With that, we build cases and we also use it for preventative measures. In case we do see certain things that may occur or may bring things to light that there is a possibility that we could have a serious situation on hand in regards to terrorism. We are not saying that we are on the highest list of terrorism, but nevertheless it can happen anywhere at any time. This type of system allows us to network with our fellow agencies and share information to a point. This information is much protected.

Ms. Yukimura: What kind of thing comes within the definition of domestic terrorism?

Mr. Calio: An active shooter.

Ms. Yukimura: A what?

Mr. Calio: An active shooter.

Ms. Yukimura: An active shooter?

Mr. Calio: Somebody who is planning to take on a school or take out a school or just basically a group of people that is against certain beliefs such as the Genetically Modified Organisms (GMO) incident. We can have people that can go to an extreme side and then we can people that are on a – professional protesters, we can also look at domestic terrorism.

Ms. Yukimura: Well, I subscribe to this Southern Poverty Law Center and they do work on groups that are basically trying to overthrow government whether it is local or Federal. So, I am beginning to understand what you mean though I do not think we really have that kind of situation on Kaua'i.

Mr. Calio: Nevertheless.

Mr. Applegate: Yes. That would be one (1) portion of the use of this, but for the organized crime aspect, would probably what we would be using it more for.

Ms. Yukimura: Alright. Thank you.

Chair Furfaro: Mr. Hooser, you have the floor.

Mr. Hooser: Good morning.

Mr. Applegate: Good morning.

Mr. Calio: Good morning.

Mr. Hooser: I apologize if you have already answered the question and I was not paying attention or something. This software, restate if you could what exactly it does.

Mr. Applegate: It analyzes information that we input into it and it can make connections between people or organizations, various acts, vehicles, and it does an analysis of that information and gives us a better understanding of what potentially could be happening in a big picture.

Mr. Hooser: So, it helps you to analyze situations and connects with other agencies? Is that it?

Mr. Applegate: Yes.

Mr. Hooser: Would individuals without a criminal record, United States citizens be involved in this? It is no secret that it is kind of a controversial issue.

Mr. Applegate: Yes, sir. I understand. The 28 CFR Part 23 of the Criminal Code is called the Criminal Intelligence Operating Policy. It is a Federal regulation that governs inter-jurisdictional and multi-jurisdictional criminal intelligence systems that are operated by law enforcement agencies who are funded by certain Federal funds. It has become the de facto National standard for sharing criminal intelligence information. We are adopting this type of system to be in conformity with the 28 CFR Part 23 so we can demonstrate good faith effort towards protecting individuals rights thereby protecting our agency from potential civil liability. The rules set forth in the 28 CFR Part 23 are along the lines of what you are talking about, to protect civil liberties and this system was developed. There are one hundred ten (110) agencies Nationwide that use it and one of the goals they set, we are in conformance with how we handle personal information from people and to not violate their rights. So, this program helps us to have that end.

Mr. Hooser: If you could kind of walk through how it might be used. We just this GMO, pesticide protest.

Mr. Calio: Say there is a particular group that is interested in killing all of the crops to make a point and we know that this

particular group has done it before or has threatened or has posted on Facebook or social network. What we do is we kind of gather that information and we kind of concentrate on that particular group. We put it in a database and we also connect them to various people within the State or within the County and it just gives us a level or awareness so that we can respond accordingly. If we did not have an information database in regards to potential threats and we do not give that particular information and share that amongst our agencies, we are really not doing our job.

Mr. Hooser: I know on Facebook, I have seen people say different things and I do not know who some of these people are either. So, would the Kaua'i Police Department, is it possible that they would go through and run the names of people who are making comments on Facebook on this issue through a database or something?

Mr. Calio: First we need criminal predicate.

Mr. Hooser: Pardon me.

Mr. Calio: First what we need is criminal predicate.

Mr. Hooser: Criminal?

Mr. Calio: Criminal predicate, meaning that they are actually saying something that is potentially criminal so then we take it from there. We say, "There is a possibility this person could be violent or could be willing to commit a crime." We then look at this person we say, "This person has a history or may have a history of violence or has a history of criminal property damage." So, then it just kind of brings us on that level of awareness to be sure that if this particular person is in the area, say for instance during a protest, then we keep an eye on that person because that is a potential threat. It would hurt you, it could hurt me, and it could hurt many people in there. So, that is what we do. We gather the data on certain particular groups and people. But first, we need the criminal predicate. We do not just go we do not like you, and we are going to put you on our list. That is just how it works.

Mr. Hooser: Who makes that decision, whether or not that person is ran through the database?

Mr. Calio: That would be within the Criminal Intelligence Unit.

Mr. Hooser: So, somebody within the Kaua'i Police Department would look at that and determine that?

Mr. Calio: Yes.

Mr. Hooser: I could not hear the last work. Criminal?

Mr. Calio: Predicate.

Mr. Hooser: Predicate, okay. So, an individual would determine that and then run their name through?

Mr. Calio: Yes.

Mr. Hooser: When was the decision made to acquire this software?

Mr. Applegate: I am sorry.

Mr. Hooser: When was the decision made to make this request?

Mr. Applegate: We have been researching this software for a while and when we found out that the other Counties have it, we found out that through the State Fusion Center, that there may be funds available. I cannot remember the exact date. I want to say it was after our last conference which are in April?

Mr. Calio: April.

Mr. Applegate: April of this year was when we first made contact with other agencies to gather information on what they are using.

Mr. Hooser: So, it was not as a result of the recent political activity regarding the Bill? Was that a motivator to request this?

Mr. Applegate: No.

Mr. Calio: No.

Mr. Applegate: We had wanted this for a while and I did not actually know that this software existed until the last conference in April and spoke with other agencies that said that they use the same software.

Mr. Hooser: Is National Security Agency (NSA) one of the agencies? You mentioned one hundred ten (110) agencies that are linked to this.

Mr. Applegate: I am not sure if they are or not. The list on the website does not name them by name. They just say the region that they are from I guess to protect their identity.

Mr. Hooser: Thank you, Chair.

Chair Furfaro: Mr. Rapozo and then Mr. Bynum.

Mr. Rapozo: Thank you, Mr. Chair and thank you for being here. I just wished that you would have used another example than the GMO protest because then all of a sudden everyone thinks that you folks are doing this to go after them.

Mr. Applegate: Yes, that is not it.

Mr. Rapozo: Are you familiar with the sweeps they did in the Counties in California with the medical marijuana pharmacies? It was interesting because I guess you could say people welcomed them into the neighborhood because they were serving this purpose to provide this medicine for

people with the cards. But when the criminal predicate was determined, all of sudden the law enforcement went in to sweep and arrest some of these people after a few murders had occurred in some of them. I do not know if you were in that training. I sure was and this was only about a year ago and I am sure you were. The percentage of funds that were being directly funneled to Al Qaida operatives in the Middle East was staggering. I think when we talk about domestic terrorism and everybody says, "Kaua'i is not a target," yes, we are not a target for a Twin Tower bombing. They are not going to attack our water supply. But this is a great area to generate revenue through illegal activity whether it is drugs, gambling, prostitution and I am talking Statewide, to funnel money to those operative in other Countries. Is this the kinds of activities that this software would alert you to?

Mr. Applegate: Absolutely.

Mr. Calio: Definitely.

Mr. Rapozo: I look at this as a tool. So much goes on on this little island that we do not know about and we do not know about what is going on in California, Big Island, or anywhere. But am I to understand that this software, and I was not aware of this software, but it sounds almost like the WiZZ network where you enter in data, this computer does analysis, and would it alert you if there is some commonalities with some other jurisdiction?

Mr. Applegate: Yes.

Mr. Rapozo: That maybe we can be on the lookout for someone, or some group?

Mr. Applegate: Yes.

Mr. Rapozo: Does that do that for you here?

Mr. Applegate: That is what it does.

Mr. Calio: It would.

Mr. Applegate: We would set parameters as to what we want it to do and that would be one of the things that we would like this system to do. We would turn on that feature.

Mr. Rapozo: Well, thank you very much. I definitely hope that we can get this for you. I think it is a great tool again. Thank you for being here.

Chair Furfaro: Mr. Bynum, you had a question?

Mr. Bynum: Yes. I had not heard this term criminal predicate before. Is that similar to probable cause?

Mr. Calio: It is a lower threshold.

Mr. Applegate: It is a lower threshold to probable cause.

Mr. Bynum: Lower threshold?

Mr. Applegate: Yes, sir. We would need probable cause to make an arrest, but a lower threshold would be that we believe that criminal activity is occurring because of these reason.

Mr. Bynum: Is occurring?

Mr. Applegate: Is occurring.

Mr. Bynum: Is there a defined definition of this term criminal predicate?

Mr. Applegate: I do not have it with me right now.

Mr. Calio: It is more than probable, that is what we look at.

Mr. Bynum: More than probable cause?

Mr. Calio: More than probable. What it is, when we look at something that is criminal predicate we look at a particular organization or a group or a person that we see in a particular area that we knows is a concentrated drug dealing area and he is always there sitting on the corner of the street. We do not ever see him actually handing it off, but he is always there. So, it is more than likely he has something to do with the drug distribution in that area because every time we see him, but we never catch him. But there is a predicate. What is the reason he is there? There is drug dealing occurring in that particular street all of the time and he is the very one the stands there. So, there is a possibility, more than likely and more than probable that this person is with a watchdog or a drug dealer.

Mr. Bynum: I appreciate this presentation. You folks are obviously prepared. We ask several questions, you have the answers. I very much appreciate that. I intend to support this, but I also intend to learn more about it and follow-up discussion with you folks or other members of Kaua'i Police Department (KPD) because this term, it just peaks my interest; criminal predicate. I think bringing up the recent intentions here is going to raise some red flags. We will probably see on that same place like oh, what KPD is doing kind of response to the discussion that happened here today. I do not think KPD did this in response to the Bill. I believe that you are saying. I have seen how you folks operate for years now. I think this is the standard criminal intelligence, not at the NSA level, but more at the municipal level. But I will be doing some follow-up just to educate myself more. I intend to support this today. Thank you.

Mr. Applegate: Thank you, sir.

Mr. Calio: Thank you.

Chair Furfaro: Mr. Chock, you have the floor.

Mr. Chock: Yes, thank you. I was just wondering, I heard Councilmember Rapozo mention some examples, but I wanted to ask you if you have any that you can speak of, examples, that has been used successfully in Hawai'i because I know that you folks are waiting to bring it because of the other islands and so forth?

Mr. Applegate: I will say with a broad stroke of the brush that Statewide organized crime and the activities of unnamed organizations have been monitored using this and the intelligence has been really successful. I do not know if I could use any examples because a lot of them are ongoing.

Mr. Chock: Right, that is good.

Mr. Applegate: If that would be sufficient.

Mr. Chock: I am glad that it is being used and it had been used successfully. Thank you.

Chair Furfaro: Mr. Hooser.

Mr. Hooser: I really appreciate the discussion. Frankly for me, it does raise more questions about how we ensure that it is used appropriately and not use inappropriately, I guess. For example, medical marijuana, what protections are there that people who are legally entitled to medical marijuana's names are not ran through the system? I mean, is that criminal predicate?

Mr. Calio: No. Medical marijuana is not criminal predicate. I mean, if you have a permit, not at all.

Mr. Hooser: Would there be a record? A specific individual who is in the office who is responsible for determining criminal predicate, would there be a record of people who have been identified? Again, how do you prevent abuse basically? How do you monitor that – I know that there a lot of bad people out there. But there are also a very real risk of diminishing Civil Rights and privacy. It has been in the news over and over again. So, what protections do the people of the County of Kaua'i have, that this will be used and it is not meant to detract the integrity of the Police Department. But it is a real discussion that has to be had. What protections do we have?

Mr. Calio: On the confidential level, the officers that work and handle this depurative information, they are required to have a level of clearance and they go through extensive training in handling that particular type of information. These individuals are more than likely hand-picked individuals that are highly trusted by the Chief to operate to that level because we understand that handling the information requires that high level of trust to keep that information confidential and not abuse it and not use it in a wrong way. That is the best way that I can answer your question, sorry.

Mr. Hooser: I appreciate that. Thank you. Thank you,
Chair.

Chair Furfaro: Mr. Rapozo.

Mr. Rapozo: Thank you. Are you not somewhat doing this now without the software part? I mean, is it not something that you do in your daily work, criminal information data gathering?

Mr. Applegate: Yes.

Mr. Rapozo: And will this system not almost force you to now to be in compliance with Federal Civil Rights laws?

Mr. Applegate: Yes.

Mr. Calio: Yes.

Mr. Rapozo: I mean, that is what I am reading, is that this now will basically bring it to a much more, I will not say regulated, but it will be it would be more "Civil Rights" friendly, I guess, is the best ter.. That in fact, it should bring more accountability to the Department? Am I correct?

Mr. Applegate: Yes. Part of the accreditation process, one of the criteria is to have some in place like this. I should have mentioned that earlier, but that was not on my list. It is to have something like this, so we are beating it to the punch with having this right now.

Mr. Rapozo: Right now, you could put Mel Rapozo's name in your system if you wanted to, if somebody wanted to. Is that legal? I do not know. If you have a suspicion, if you had information, somebody called and had an anonymous complaint? Of course. You would do what you normally do. This kind of brings it more of formatted format that will have certain parameters set in that at least we will have a record.

Mr. Applegate: That is right.

Mr. Rapozo: At least we will have documented evidence of who went into the system, who put it in, what was the predicate, and yes, it is not open to the public, but at some point, if someone files a lawsuit, they will have it. So, to me, it is better for the public that you have a system like this that is a system and not just an office standing alone with the potential of having some rogue renegade cops doing individual background check and going after people. I think this provides the public a better sense of security knowing that there is a system in place and it is a National system. It just makes sense to me. The other question is as far as policy, who is going to determine criminal predicate. It is like asking the cop who is going to determine probable cause. The officer. A human. Can he overstep his authority? Yes he can. Is that a side effect of this program? Of course, in anything we do. Once you give a human a badge and a gun that person can be good or bad. That is not something that we are going to control by this process, but I would assume that this policy prior to it being implemented when this software is installed, that would be reviewed by our County Attorney's Office. I am assuming that you would get some kind of legal direction as to what you can and cannot do and to define this criminal predicate parameter that you mentioned. Is that something that you folks are going to pursue?

Mr. Applegate: Yes.

Mr. Rapozo: I guess the Federal law, the Code of Federal Regulations (CFR), would more than likely have some – I mean, we would not be recreating the wheel. I would assume that we would be looking at some other agency's policies and copying them. Is that a fair assessment?

Mr. Applegate: Yes. We do that all of the time.

Mr. Rapozo: There is nothing wrong with that. Thank you.

Chair Furfaro: Any more questions? JoAnn.

Ms. Yukimura: So, like Councilmember Rapozo, I kind of wish that the GMO issue had not been brought up. On the other hand, what has been happening on the Big Island with the cutting down of papaya trees is really serious crime and I want to distinguish the two (2). To me, there is a really bright line between coming to petition government even if it is in large numbers that is a legitimate act of democracy. But cutting down trees and putting a farmer out of business is a whole different aspect that I have felt needed to be addressed by law enforcement. So, if that is in your definition of domestic terrorism, to me, that is legitimate. That is what I think you were trying to refer to.

Mr. Applegate: I think you gave a great example that I would like to expand upon right now. If the Hawai'i County Police Department were to find someone who they suspected and had not probable cause, but they really suspected that that person was the one cutting down the trees and they entered that into the system and they share the information with us, we had met up with that person here, we find out that they had already had entered that person in as a potential suspect so to speak, that would at least alert us that we might want to watch that person or at least see where that person is going. It is that kind of thing, we are trying to prevent crimes from happening and if that person is associated with other groups. Again, I do not want go down this road, but that is an example of where somebody did something there or they suspected that they might have, then we could see the person here and watch him if he would cut down our trees.

Ms. Yukimura: Now, this person has been found responsible for actually cutting down the trees on the Big Island in your scenario?

Mr. Applegate: Suspected, but not convicted. That would be the difference. The predicate would be there, not probable cause. If somebody is convicted we could see what they were convicted of. We can look that up.

Ms. Yukimura: That is already looked at?

Mr. Applegate: Readily available. This is to try to prevent things from happening.

Ms. Yukimura: Gosh. I would prefer that if you had an incident here and you found that person suspected of probable cause in the Big Island, than he would become somebody to watch or even investigate. It is a really hard line actually from what I can tell, but I can see that the act of cutting down trees is clearly a different kind of act than petitioning government or showing up and I hope that that line is somehow drawn. I hope that what I consider criminal action is going to be investigated and prosecuted.

Mr. Applegate: Yes.

Ms. Yukimura: Because I heard that one hundred (100) to three hundred (300) trees which produced fruit year after year after year, it literally put this farmer out of business. That is a huge crime. Thank you.

Mr. Calio: Can I just apologize to the Council if I offended anybody using the GMO issue? Maybe it was a bad example, but I did not mean anything by it.

Chair Furfaro: Is there any more from anybody before I speak? Go ahead, Mr. Bynum.

Mr. Bynum: No need to apologize. You folks are doing your job and you are going a good job at it. No worries.

Chair Furfaro: JoAnn.

Ms. Yukimura: Thank you for your apology and sensitivity. I think we are just concerned that we make the distinction between a legitimate democratic act and a real crime. I think that discussion has helped us through that. So, to that extent, it is useful. Thank you.

Chair Furfaro: Mr. Hooser.

Mr. Hooser: Also, there is no need to apologize. It is perfectly legitimate to discuss. Again, my concern is really an overall atmosphere in our Country and other places. I mean, we have increased surveillance of civilians and so the more tools we give law enforcement to increased surveillance is kind of troubling. I know the terrorism part pushes us that way, but clearly, we have less privacy than we did ten (10) years ago. This issue with NSA and monitoring phone calls, one could argue that if you have done nothing wrong, you have nothing to be afraid of, but I do not believe that. I think we are entitled to our privacy and just because someone is hanging out in a bad neighborhood day after day after day, I do not believe it entitles law enforcement to put them under surveillance. Maybe they live there. It is a little troubling, for me personally. I am just speaking for myself and it is not about GMOs or anything else. It is just about increasing loss of privacy for citizens, and a society that is going in that direction. Basically, even though you are already –you, the Police Department and law enforcement is already doing a lot of this, we are being asked to give you more tools to do it better. I perfectly understand Al Qaida and terrorism and the bad people in the world, but it is concerning in my opinion, the way our society is evolving. So, it is a real dilemma for all of us. You want to protect people, but you also do not want to give up our freedoms because of the fear of that. Anyway, thank you. No need to apologize certainly. I appreciate the job that you folks are doing.

Mr. Applegate: Thank you, sir.

Chair Furfaro: Anymore questions? Gentlemen, thank you very much for expanding my understanding of the word predicate. In the fourth grade from Mrs. Tori'i, I realized that there is a subject and the second part of the sentence is the predicate showing the action. Then also with Mr. Abe in the eighth grade, I also know it is used in calculus showing the action of the outcome of the numbers. So, I now have a third definition of predicate. Thank you very much for your time today.

Mr. Applegate: Thank you, sir.

Chair Furfaro: Mr. Mickens, did you want to speak? Glenn?

GLENN MICKENS: Thank you, Jay. For the record, Glenn Mickens. Thank you BC. I just want to sincerely thank the officers of KPD for all they do for the citizens of Kaua'i. These people put their lives on the line every time they even have a traffic stop, each day to check and to see if somebody had a gun or anything else in their lap or in their car when they stop somebody for a speeding violation. So, anything they can do for adding this particular technology or particular system, I am completely for. I agree with what Councilmember Hooser is saying and that rest of you. I am sure there has to be safeguards anymore of this "wiki leaks" things and to protect the citizens so things do not go too far, but again, I think we have to rely on the judgment of these officers. They go through training, psychological training you pointed out Mel, all kinds of things. So, I think we have to lean on their understanding of what is good and what is bad to be able to do this. I just want to say how much I support them. Thank you.

Chair Furfaro: Thank you, Mr. Mickens. Anyone else wishes to speak on this subject?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Discussion members? Mr. Bynum.

Mr. Bynum: I really appreciate the presentation by KPD and the discussion that ensued. I think it is helpful. I agree with Councilmember Hooser's concerns as I think most Americans do of the disclosures of how extensive our government's intrusion is into our personal lives have been with basically listening to our phone calls. However, I believe the officers had a great response when asked about Civil Rights issues. If they would have said, "Huh," then I would be really concerned, but I know our officers understand those Civil Rights issues. I thought it was an interesting discussion so I am going to educate myself more. We might want to, as a Council, do some follow-up maybe at the Chief's level and ask some of these kinds of questions just to get assurance. I feel fairly confident that what we are doing at the local level is *pono* and I do not think we are getting in this system, phone calls from NSA plugged in. These are bigger issues and they are important for Kaua'i as well. I think we will probably have some follow-up dialogue on Civil Rights issues and I do not have any big giant red flags happening based on what happened today. Thank you, gentlemen.

Chair Furfaro: JoAnn.

Ms. Yukimura: Thank you. I also appreciated the presentation and the discussion that followed. I found it particularly reassuring as Councilmember Rapozo pointed out that there is perhaps more of a protocol and documentation of the decisions that are made in this process which I consider a safeguard to have. That is something that is positive to me in trying to achieve this very delicate balance of effect of enforcement and protection of civil liberties.

Chair Furfaro: Anymore? The motion here is to approve.

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: We have a motion and a second.

Chair Furfaro: We have a motion and a second. So, I would like to do a roll call please.

The motion to approve C 2013-366 was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Chock, Rapozo, Yukimura, Furfaro	TOTAL – 5,
AGAINST APPROVAL:	Hooser	TOTAL – 1,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: 5:1:1.

Chair Furfaro: 5:1:1. Next item.

Mr. Rapozo: Mr. Chair, may I just have a personal privilege for the police?

Chair Furfaro: You may have one.

Mr. Rapozo: I just wanted to thank them and commend them for yesterday, a potentially deadly situation was handled without anybody getting hurt, and I just want to say thank you. I am not sure if you both participated or not, but if you could convey our thanks to a job well done. I just wanted to say that, Mr. Chair.

Chair Furfaro: Thank you very much for pointing that out. Next item please.

C 2013-367 Communication (11/04/2013) from Jennifer S. Winn, Deputy County Attorney, transmitting for Council information the Quarterly Report on Settled Claims Against the County of Kaua'i from July 1, 2013 through September 30, 2013: Mr. Bynum moved to receive C 2013-367 for the record, seconded by Ms. Yukimura.

Chair Furfaro: Jennifer, did you want to come up please? The motion is to receive for the record, not to approve. Good morning.

There being no objections, the rules were suspended.

JENNIFER S. WINN, Deputy County Attorney: Good morning. Deputy County Attorney, Jennifer Winn. I would like to say hello especially to Councilmember Chock. I have not introduced myself yet. I am available for any questions. I do not have anything to add to the letter.

Chair Furfaro: And I do not have any questions, so let us see if any other members do. Well, it is a smooth sailing morning.

Mr. Bynum: Thank you for the report.

Chair Furfaro: I was going to say that, but I will ditto it.

Mr. Bynum: I am sorry.

Chair Furfaro: It is alright. Anyone have any questions?
Mr. Mickens, come please.

Mr. Mickens: For the record, Glenn Mickens. Thank you BC. My only question would be, I just want to know what a figure is on this. What are these claims costing the County? I have never heard that figure so I just wondered if Jennifer happened to know that. Thank you.

Chair Furfaro: I would be glad to get that for you because what we are dealing with is settlement of claims. I will get it for you Glenn.

Mr. Mickens: Thank you, Jay.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: This motion would be to receive. I have a motion and a second.

The motion to receive C 2013-367 for the record was then put, and carried by a vote of 6:0:1 (Mr. Kagawa was excused).

Ms. Fountain-Tanigawa: Chair, the next item, C 2013-368, is scheduled for 11:00 a.m.

Chair Furfaro: Yes, that is scheduled for 11:00 a.m., so let us bypass this please.

Ms. Fountain-Tanigawa: The following Resolution No. 2013-75 is scheduled for 2:00 p.m., and that brings us to Bill for First Reading.

There being no objections, Proposed Draft Bill (No. 2512), was taken out of order.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2512) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney, Special Counsel - \$95,053*).

Mr. Rapozo: I do not have the date. Do you have the public hearing date?

Ms. Fountain-Tanigawa: Public hearing is on December 18, 2013.

Chair Furfaro: Yes, I have it for the 18th. Am I correct? I have it for the 18th?

Ms. Fountain-Tanigawa: December 18, 2013, correct.

Mr. Bynum moved for passage of Proposed Draft Bill No. 2512 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 18, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.

Mr. Rapozo: I think it is December.

Mr. Bynum: I am sorry.

Mr. Bynum moved for passage of Proposed Draft Bill No. 2512 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for December 18, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Mr. Rapozo.

Chair Furfaro: I have a motion and a second for December 18, 2013, Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, further discussion? Mr. Bynum, you have the floor.

Mr. Bynum: Just for the public sake, this is kind of a housekeeping Bill to move funds from previous year's account to the current year's account. It is pretty routine. Thank you.

Chair Furfaro: Is there anyone in the audience that wants to speak on this?

There being no one present to testify on this matter, the meeting proceeded as follows:

The motion for passage of Bill No. 2512 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for December 18, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Chock, Hooser, Rapozo,	
	Yukimura, Furfaro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Chair Furfaro: Six (6) ayes. Thank you, Madame Clerk.
Next page, page 3, reports of Committees.

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT (SUSTAINABILITY / AGRICULTURE / FOOD / ENERGY) & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-EDR 2013-12) submitted by the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee, recommending that the following be Received for the Record:

“EDR 2013-10 Communication (09/26/2013) from Committee Chair Hooser, requesting the presence of the County Engineer to provide the Council with a briefing on the approval process and enforcement of soil and water conservation plans, the role of Ordinance No. 808, relating to Grading and Grubbing, and the exemption process with regard to agricultural operations, as well as the issues pertaining to erosion due to surface runoff and windblown dust,”

Mr. Bynum moved for approval of the report, seconded by Mr. Hooser, and carried by a vote of 6:0:1 (Mr. Kagawa was excused).

Chair Furfaro: Next item Madame Clerk.

FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

A report (No. CR-FED 2013-19) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be approved on second and final reading:

“Bill No. 2503 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-754, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND SEWER TRUST FUND (*Islandwide SCADA System - \$371,213.00 (Bond Fund), \$365,029.00 (Sewer Trust Fund)*),”

Mr. Bynum moved for approval of the report, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (Mr. Kagawa was excused).

A report (No. CR-FED 2013-20) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be approved on second and final reading:

"Bill No. 2504 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-754, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Waimea R-1 Water Distribution System Improvements - \$209,450.00*),"

Mr. Bynum moved for approval of the report, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (Mr. Kagawa was excused).

Chair Furfaro: 6:0:1. Next item.

BILLS FOR SECOND READING:

Bill No. 2503 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-754, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND SEWER TRUST FUND (*Islandwide SCADA System - \$371,213.00 (Bond Fund), \$365,029.00 (Sewer Trust Fund)*): Mr. Rapozo moved to adopt Bill No. 2503 on second and final reading, and that is be transmitted to the Mayor for his approval, seconded by Mr. Bynum.

Chair Furfaro: Discussion? JoAnn.

Ms. Yukimura: Mr. Chair, may I ask for a fifteen (15) minute recess so that I can get briefed by staff on this? I was not here for the Committee Meeting.

Chair Furfaro: We are going to go into recess for fifteen (15) minutes. It is going to be 10:15 a.m. when we are back.

There being no objections, the Council recessed at 10:01 a.m.

There being no objections, the meeting was called back to order at 10:20 a.m., and proceeded as follows:

Chair Furfaro: I would like ask Mr. Tschupp to come up.
Good morning Ed.

There being no objections, the rules were suspended.

EDWARD TSCHUPP, Department of Public Works Chief of Wastewater Management: Good morning. For the record, Edward Tschupp, Chief Wastewater Management Division, Department of Public Works.

Chair Furfaro: Thank you, Ed. Just to cover this particular item, I just want a recap from your September 4th correspondence to us that basically, we had three hundred seventy-one thousand dollars (\$371,000) moving from projects of the Kōke'e Road Resurfacing, Aliomanu Temporary Road Repair, the new landfill, as well as we had what looks like money from Equity Fund Balance assignments with the new accounting terminology. We used to call this the

Unappropriated Surplus, but there is another three hundred sixty-five thousand dollars (\$365,000). So, together, this work is exceeding what we had thought we were budgeting by seven hundred thirty-six thousand dollars (\$736,000). Is that how I read this?

Mr. Tschupp: To a certain extent, that is correct. The original funding was established I think in Fiscal Year 2010. The design consultant that we had actually, we were starting out with a bit more robust scope of work because we wanted to do some rehabilitation work as part of the project. We put it out to – it is actually technically a competitive sealed proposal or a Request for Proposal (RFP) and it came back considerably in excess of the funding because in part of those rehabilitation type items that we had wanted to do. So, we scaled the project back and went out for our best and final and got back revised quotations that were only a little bit more than the funding that we had in the \$4.7 million of funding remaining. We also recognize the need for some design engineer services during construction so that when the submittals from the contractor comes in, that the Design Engineer of record gets a chance to review them and make sure that those submittals meet the design intent. So, there is both a shortfall in funding for the basic Best and Final offer price. There is also design services during construction and a small contingency in the funds being requested.

Chair Furfaro: The above is very specific on where about half of the money came from, from certain projects that were cancelled. The lower section over here was really a fund balance and bond money so that could pretty wrap it up. The numbers changed through design issues, some construction, and...

Mr. Tschupp: Inflation.

Chair Furfaro: Yes, over a three (3) year period.

Mr. Tschupp: Right.

Chair Furfaro: JoAnn, you have the floor. Thank you, Ed.

Ms. Yukimura: Yes, just clarification. We know that this is the Supervisory Control and Data Acquisition (SCADA) system and thank you for the briefing that you gave to myself and Councilmember Chock. Is it for all of the sewage systems on the island?

Mr. Tschupp: It is for the County's sewage system.

Ms. Yukimura: On the island?

Mr. Tschupp: So, we are not trying to pick up any of the private systems. They may or may not have their own SCADA system, but for the County run sewer system, this will put everybody on a consistent platform although the new Waimea plant that just went through a plant expansion, it has a brand new SCADA system. So, the amount of work being done there is minimal, but for Wailua, the existing system is probably late 1980's and at 'Ele'ele and Līhu'e, the existing systems are mid 1990's. So, they will now all be on the same platform.

Ms. Yukimura: And they will all be updated in terms of the best practice management systems hopefully?

Mr. Tschupp: That is certainly the design intent. It is an Information Technology (IT) project. You get the Information Technology being built today, and hopefully tomorrow does not come around with something that is better.

Ms. Yukimura: Right.

Mr. Tschupp: But we have seen a lot of evolution in those kinds of Information Technology. There are a lot of things that this years' software and hardware is going to do that five (5) years ago, you could not do.

Ms. Yukimura: Right. So, basically it is a feedback loop feeding information that either goes to alerts or to certain kinds of internal responses from the system to rebalance or to correct problems in the sewer system?

Mr. Tschupp: Correct.

Ms. Yukimura: And should be very useful for preventing spills?

Mr. Tschupp: Correct.

Ms. Yukimura: So, it applies to Waimea sewage, 'Ele'ele sewage treatment, Līhu'e, and Wailua?

Mr. Tschupp: Yes. With Waimea being essentially...

Ms. Yukimura: Already updated?

Mr. Tschupp: Already updated.

Ms. Yukimura: So, that is four (4) of our systems?

Mr. Tschupp: The County has four (4) systems.

Ms. Yukimura: Right, okay, great. Thank you.

Chair Furfaro: Ed, Waimea's capacity grew by how many thousand gallons?

Mr. Tschupp: It went from three hundred thousand (300,000) gallons per day to seven hundred thousand (700,000) gallons per day.

Chair Furfaro: So it more than doubled?

Mr. Tschupp: Yes.

Chair Furfaro: Thank you. Any more questions? Ed, thank you for coming over.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Do we have a motion to approve?

Ms. Fountain-Tanigawa: We have a motion and a second.

Chair Furfaro: Any further discussion members? Any comments from the audience?

There being no one to testify on this matter, the meeting was called back to order, and proceeded as follows:

The motion to adopt Bill No. 2503 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Rapozo,	
	Yukimura, Furfaro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Chair Furfaro: Six (6) ayes. Thank you very much. Bill No. 2504 is next.

Bill No. 2504 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-754, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Waimea R-1 Water Distribution System Improvements - \$209,450.00*): Ms. Yukimura moved to adopt Bill No. 2504 on second and final reading, and that is be transmitted to the Mayor for his approval, seconded by Mr. Bynum.

Chair Furfaro: I have a motion and a second to approve. Discussion? Anyone in the audience wanting to talk on this item? Glenn, come right up.

There being no objections, the rules were suspended.

Mr. Mickens: Thank you, Jay. For the record Glenn Mickens. I just wondered about the sports and recreational part of this Bill. I have not heard anything further, and maybe I missed it. But I just wondered if there is any update on what is going on with it. I know they were pushing hard for it down in Waimea and then I did not hear anymore. Certain people wanted it up here by the airport and I am a strong advocate of this happening. The place that it is going to be, I am maybe not quite in tune with some of the people. I really want to see it happen. I just wondered if there was any update on it, Jay.

Chair Furfaro: I think we are planning to have one in January in Parks and Recreation, if you can wait until then, I would certainly appreciate it because of people switching positions at the Administrative level.

Mr. Mickens: Okay, so it would be sometime in January?

Chair Furfaro: Sometime in January. I would say the later part of January.

Mr. Mickens: Okay, thank you, Jay.

Chair Furfaro: Anymore public testimony?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Members, discussion? If not, this will be a roll call vote please.

The motion to adopt Bill No. 2504 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Hooser, Rapozo,	
	Yukimura, Furfaro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Chair Furfaro: Thank you. We have four (4) public hearings today and we have no items in Executive Session?

Ms. Fountain-Tanigawa: We have one (1) Executive Session item, ES-687.

Chair Furfaro: Oh, here it is, yes. So, do we have a County Attorney coming up then?

There being no objections, the rules were suspended.

Ms. Winn: Good morning again. Deputy County Attorney, Jennifer Winn. Would you like me to read ES-687, Chair?

Chair Furfaro: Yes, and I just want to make sure that these are other claims?

Ms. Winn: Correct.

Chair Furfaro: These are not the claims that we just settled or voted on, just for the members?

Ms. Winn: Correct these are either pending or denied.

EXECUTIVE SESSION:

ES-687 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the quarterly report on pending and denied claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Chair Furfaro: Thank you. I believe we have about a half an hour here before we have a scheduled time. So, I would like to go into session and be briefed on these unsettled pieces. Is there anyone in the audience that wishes to speak on this? We do plan to come back to public session at 11:00 a.m. as we deal with the – it is not the movie Tropical Thunder.

Mr. Bynum: Thank goodness.

Chair Furfaro: Anyone in the public?

There being no one to testify on this matter, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Discussion before I call for a roll call vote?
Mr. Bynum?

Mr. Bynum moved to convene in Executive Session for ES-687, seconded by Ms. Yukimura.

Chair Furfaro: Discussion? If not, roll call to go into Executive Session.

The motion to convene in Executive Session for ES-687 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bynum, Chock, Hooser, Rapozo, Yukimura, Furfaro	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Chair Furfaro: Okay folks, we are going to recess until 11:00 a.m. and we will be back in the Chambers then.

There being no objections, the Council recessed at 10:33 a.m.

There being no objections, the meeting was called back to order at 11:05 a.m., and proceeded as follows:

(Mr. Hooser and Mr. Rapozo were noted as excused.)

Chair Furfaro: I would like to reference the Communication from myself, C 2013-368. Dr., I want to share with you, unfortunately, we had two (2) Councilmembers that had to depart today for other travel business. But we are by our Rules, a full Council of four (4) members today. We have a quorum, go right ahead.

C 2013-368 Communication (11/12/2013) from Council Chair Furfaro, requesting the presence of Dr. Dileep G. Bal, Kaua'i District Health Officer, State of Hawai'i Department of Health, to provide the Council with a briefing on the 2014 Tropic Care Kaua'i event: Mr. Bynum moved to receive C 2013-368 for the record, second by Ms. Yukimura.

Chair Furfaro: Thank you. I have a motion to receive and a second. On that note Dr. Bal, I will suspend the rules and you are more than welcomed to come up. We have a couple of other chairs that we can put if you have a crowd to visit us today.

There being no objections, the rules were suspended.

DR. DILEEP G. BAL, State of Hawai'i, Department of Health: I will switch with Colonel Fitzgerald in a moment Mr. Chairman.

Chair Furfaro: Okay.

Dr. Bal: Actually to begin with, if you do not mind, before my opening comments, it would be nice if Colonel Fitzgerald introduces here colleagues. We got a multiple of them and then I will make my opening remarks too.

Chair Furfaro: Colonel, welcome, and if you could start by introducing yourself.

Dr. Bal: She is the Commander of the entire mission.

Chair Furfaro: Very good.

SUSAN FITZGERALD, Colonel, United States Army: Mr. Chairman and Councilmembers, thank you for your invitations and thank you for your gracious invitation to allow us to partner with you to provide care during Tropic Care 2014 which will be coming up. It is truly our privilege to be able to partner with you. Sorry, we are little short of breath here running over. This is a joint service event where the United States Army Reserve, Marine Corps Reserve, Air Force Reserve, and Navy Reserve will all be providing medical personnel in the form of primary care, episodic care, dental care, and eye care to the people of Kaua'i during Tropic Care 2014. With me today are all of the representative of the different services and I will have then stand and introduce themselves so that you know who they are. With me as well is our representatives from the Office of the Assistant Secretary of Defense, Colonel Feltman, and Major Andrews who is representing the United States Army Reserve Command. With that being said, this is my Chief Medical Officer.

JENNIFER MARRAST HOST, Colonel, United States Army Reserve (USAR): Chairman and Councilmembers, I am Colonel Marrast Host. I am the Chief Medical Officer for Tropic Care 2014 and by trade I am an Emergency Room physician.

Chair Furfaro: Well, welcome Colonel. Thank you for being here.

Ms. Fitzgerald: Sir, would you like the other members?

Chair Furfaro: Yes, we may do that.

RICHARD MCARROY, Captain, United States Army: Ladies and gentlemen, my names is Captain Richard McAroy, United State Army Veterinary Corp. I am a veterinarian by profession and I am the IRT (innovative Readiness Training) Planning Officer for this project and the Mission Executive Officer.

GARY ANDREWS, Major, United States Army Reserve: Hello sir and ma'am, my name is Major Gary Andrews. I am the IRT Program Manager for the United States Army Reserve Command based out of Fort Bragg, Fayetteville, North Carolina.

LISA GITTLEMAN, Commander, United States Navy (USN): Good morning. I am Commander Lisa Gittleman. I was here in 2012, United State Navy Reserve, and I am the Navy Reserve Medicine Strategic Planner.

Chair Furfaro: Welcome back.

Ms. Gittleman: Thank you.

LYNNE BERRY WESTLAKE, Lieutenant Colonel, United States Army: Good morning to the Council. Lieutenant Colonel Lynne Berry Westlake. I flew all the way over from O'ahu where is my home. I am a Civil Affairs Officer and we serve as a liaison between the military and any of the local populous wherever we go and we are the cultural experts and go-between to help resolve issues that may arise.

Chair Furfaro: Thank you, Lieutenant Colonel.

Ms. Westlake: Thank you.

DAMON FELTMAN, Colonel, United States Air Force (USAF): Good morning Council. My name is Colonel Damon Feltman. I am from the Office of the Secretary of Defense for Reserve Affairs at the Pentagon. My office manages the IRT program for the entire (inaudible) Department of Defense. I am here in my statutory observation role.

Chair Furfaro: Colonel Feltman.

PATRICK NAUGHTON, Captain, United States Army: Good morning Council. My name is Captain Patrick Naughton from the 804th Medical Brigade out of Boston, but I was born and raised in Hilo, Hawai'i.

Chair Furfaro: Nice Hilo boy. Nice to have you here.

MICHAEL KING, Master Sergeant, United States Army: Good morning Council. My name is Master Sergeant Michael King and I am the (inaudible) of the mission.

Chair Furfaro: Welcome.

REYNALDO TAN, Sergeant First Class, United States Army: Good morning Council. I am Sergeant First Class Tan. I am with the 455 Dental Company from Fort Devens, Massachusetts.

Chair Furfaro: Sergeant.

ARCELIO ALBIZO, Major, United States Marine Corps (USMC): Good morning everybody. My name is Major Arcelio Albizo. I am the Marine Corps Service IT Program Manager currently based in New Orleans, Louisiana.

Chair Furfaro: Major.

Ms. Yukimura: Can we just get to know what IRT is?

Ms. Fitzgerald: Yes. It stands for Innovative Readiness Training.

Ms. Yukimura: Thank you.

Ms. Fitzgerald: You are welcome.

Ms. Yukimura: If you could speak out the acronyms, that might help us civilians. Thank you.

WILLIAM (TREY) CHAIRSELL, Major, United States Marine Corps: Good morning Council. My name is Major Trey Chairsell. I represent that United States Marine Corps in regards to planning for the IRT, Innovative Readiness Training mission based out of New Orleans, Louisiana, and I supervise the 4th Medical Battalion and 4th Dental Battalion that will be providers for this mission.

Chair Furfaro: Welcome.

Mr. Chairsell: Thank you, sir.

BRIAN RAYMOND, Lieutenant, United States Navy: Good morning. Lieutenant Brian Raymond. I am the Medical IT Program Manager from Albany, New York.

Chair Furfaro: Albany, New York.

KERYA REYES, Major, United States Army Reserve: Good morning Council, Major Kerya Reyes. I am from Air Force Reserve Command. I run the IRT program for Air Force Reserve Command and I am looking forward to this mission.

Chair Furfaro: Major, welcome.

DEANNA WALKER, Senior Master Sergeant, United States Air Force: Good morning, Sergeant Deanna Walker. I am the Air Force Reserve IRT Medical Planner.

Chair Furfaro: Sergeant, welcome.

BRYAN BROWN, Lieutenant Colonel, United States Army: Good morning Council. I am Lieutenant Colonel Bryan Brown from the 3rd Medical Command. I am an Optometrist and I am responsible for the eye care here. Go Tide.

Ms. Yukimura: Oh dear.

MARCUS ALLEN, Lieutenant, United States Navy: Good morning Council. I am Lieutenant Allen. I am the Liaison Officer for Naval from Fort (Inaudible) Kentucky.

Chair Furfaro: Lieutenant, welcome.

CHARLES BRISENO, Commander, United States Marine Corps/United States Navy: Good morning. My name is Major Charles Briseno, Medical Corps of the United States Navy. I represent the attachment from the United States Marine Corps (inaudible).

Chair Furfaro: Welcome.

STEWART POWERS, Lieutenant Commander, United States Navy/Marine Asset: 4th Dental Battalion.

Ms. Fitzgerald: I am happy to forward you a list of all of the attendees present from their respective services.

Chair Furfaro: We would certainly like to have that.

Ms. Fitzgerald: Absolutely.

Chair Furfaro: I know Mr. Bynum wanted to say a few words. We are going to give the floor to Dr. Bal, but do you want to hold our comments until the end?

Mr. Bynum: Sure.

Chair Furfaro: Very good. Dr. Bal, you have the floor.

Dr. Bal: Thank you, Mr. Chairman. Again, at the expense of telling the Council what you already know so well, the genesis of this as you know, as it was for IRT 2012 was Toni Torres, Thomas Noyes, and I sat in the back room between Christmas and New Years and we knocked out an application. Thank you the IRT Command Review of this we were funded. I think somewhat in modesty, I might add that with two (2) IRTs this year in Maui and Big Island and they did not quite see the volume that we had seen. Again, just to come to this particular mission, we are privileged to have Colonel Fitzgerald head it, Colonel Marrast Host be the Chief Medical Officer, and have Dr. Rich as our Executive Officer for Colonel Fitzgerald. Very briefly, they have spent the last three (3) days

here. They have literally worked twelve (12) days and we have, and the Council is going to be the first to hear this, we have picked the sites. The sites are going to be at Kapa'a Middle School and Colonel Fitzgerald that the supervision of the site will be by the Air Force, right? There will be multiple. All of the services will be at all of the sites, but Colonel Fitzgerald rightly felt to let one (1) service be lead service for each site. The one in Līhu'e will be at the same place, Kaua'i Community College (KCC) and Chancellor Cox has given us actually the front suite because the last time the *kupuna* complained that they had to walk all the way to the back. That will be headed by the Marine Corps which (inaudible) looking at the West Side and the West Side will be covered by the Navy and it is going to be at 'Ele'ele Elementary School. It would be remissive of me not to some of the local people. I am really indebted to the principals involved and most of all to Bill Arakaki. Frankly, Bill has given more at the office than anyone one else. I mean he and Helen Cox have been delightful and it is sort of nice to have three (3) other governing facilities because it is tough to give up your entire space for the period of the (inaudible).

Chair Furfaro:

Excuse just for a second.

Dr. Bal:

Yes.

Chair Furfaro: Would you tell you dad he is very much appreciated? We have his daughter here with us. She is on our staff. Thank you for recognizing Mr. Arakaki.

Dr. Ball: No, it is a delight. I just talked to him today and he called again because he said, "Listen, I am sorry that my principal is in a staff meeting. They cannot come this evening." He said, "Would you come on December 17th and you and Tony come and do a tap dance in front of all of his principals," and I said, "Of course for our greatest benefactor." Mr. Arakaki's graciousness is only exceeded by your mother's graciousness. You make sure you tell your dad that.

Mr. Bynum:

He knows.

Dr. Bal: Again, I am indebted to Thomas and Toni. I mean Toni basically is like – which is the Colonel's Operations Officer. Just to sort of round out what we will be doing and forgive the editorial aside Mr. Chairman. But given the devisees of the last three (3) or four (4) months, I think this is a nice sort of reunifying theme from January to June because this is something. There is not anybody in the island. Everybody is showing up and giving direct and indirect support. Tomorrow morning, the group is going to meet with the Governor in the morning, with the Mayor at 11:00 a.m., and at 1:00 p.m. we are speaking to the larger community. Again, in conclusion let me say for an old Indian, this is arguably the sort of – I have been privileged to bring in a lot of money from Centers for Disease Control and Prevention (CDC), from United States Department of Agriculture (USDA) during my eight (8) years here. I have a reputation of being a good bandit of Federal funds. To me, the highlight of everything that I have done in the eight (8) years is having them come and their generosity in coming and them working with the community. I wish you would have seen Colonel Fitzgerald and her staff. They work with you are in my *'ohana* really well and she is so organized. She looked at the usage of the sites and the services the last time and in consultation with us, she has very wisely decided to focus very heavily on optometric services and dental health. Those are the only ones that we have to turn people away and they are just going to do it full-time because the problem is, and I do not think we are

telling you anything Mr. Chairman that the Council and everybody in authority here does not know. We are stretched for dental services. We are stretched to the point that the only way that I can categorize it perhaps somewhat ungently is that we have bloody awful teeth on this island because we do not have fluoridation, we do not have as much preventative density as we need, and they are doing everything. They are going come and do extractions, do clearing, and the whole bit. So, she is bringing a whole bunch of dentists. Optometry, the same thing. You have three thousand (3,000) plus spectacles the last time. A lot of poor people and mothers cannot afford spectacles and what they did there, they worked twenty-four seven (24/7). Colonel Fitzgerald is going to have the lenses actually round out. You are going to have it at KCC?

Ms. Fitzgerald:

Yes.

Dr. Bal: So, she is going to have here headquarters as well as that as KCC. Again, she is bringing a whole bunch and the one big difference is she is quite strict. She is bringing just about all medical, dental, nursing, and optometry people. Ancillary people, she has minimized to a degree and I am sure she is not going to be pleased with me saying that. With being perennial optimist I am pretty sure we can hit twelve thousand (12,000) to fifteen thousand (15,000) comfortably because we are going to have advertising, we are doing a media blitz, and we hope the Council will mention this at regular intervals. Again, we are very grateful to the IRT, to Colonel Fitzgerald, and all of her staff for what they are doing, for our *‘ohana, keiki, and kupuna*. Thank you, Mr. Chairman.

Chair Furfaro: Thank you very much, Doctor. On that note, I see Councilmember Yukimura making notes, so you will be next after Mr. Bynum and I will give Mr. Bynum the floor first.

Mr. Bynum: I just want to say welcome to our home all of you. Thank you so much for coming. Tropic Care in 2012 was an amazing event for our community and for I think, those of you who came. We love hosting people and talking story. So, I think you are going to have a really rich experience in our community and you giving so much to our community. That is so important. The last time you wanted participants. I went to Saint Michaels?

Dr. Ball:

All Saints.

Mr. Bynum: All Saints and was treated with such courtesy and professionalism. Community members, we had to wait. I saw an optometrist, got a pair of reading glasses, and I got to meet these people. This is the best win-win thing I can think of. So, thank you Dr. Bal. I think this is a win for all of you because you get to practice your skills in a really special place and it is certainly a win for us because of the medical, dental, and optometric needs. I am just really excited. I am so please that this happens again and this whole concept of Innovative Readiness Training is just spectacular for the military. I cannot say enough. Thank you.

Dr. Bal: response?

Mr. Chair, if I may just make one little

Chair Furfaro:

Yes you may.

Dr. Bal: Councilmember Bynum, thank you for the comments, but you used one (1) word which sometimes confuses people which is "practice" and same thing when you mentioned Innovative Readiness Training. I want to reiterate very clearly what we did twenty (20) times last time and which Colonel Fitzgerald will say again and again today when we speak to the community at 1:00 p.m. The training is for them. These are all master practitioners. These are top physicians, top optometrists, and top dentist in their home civilian communities. They are all in the reserve and they spend as you know, a weekend a month and fourth night a year doing full-time things. Their full-time things here happens to be on Kaua'i under the direction of Colonel Fitzgerald and they are not practicing on anybody. They are using their extraordinary skills in this service. So, it is really is like you said, Tim. It is a win-win because basically they get to do what they do for their own patients in their home communities at the same time, the see how set up and break down in a relatively remote location. You do not get more remote than two thousand five hundred (2,500) miles from the Mainland and they get to sort of work together as a group. So, these people are top notch in their fields. Mr. Chairman, I would like your minutes to so reflect.

Mr. Bynum: If I could just follow-up. I am really excited about this. I think it is really good. My cousin is a dentist who had his career in the Navy so I had some familiarity with it. I just wanted to share my experience. We have a small military base here. We have had a number of Commanders since I lived on Kaua'i and just to follow-up, anyone in my experience in the military that makes it into Command level has got some really serious skills to offer. These folks here are not only Officers, but they are physicians and professionals. I am glad that term "practice" goes for everybody that does medical things, right? But we got the top notch here on Kaua'i.

Dr. Bal: Right. Colonel Fitzgerald actually works for McMaster's General Hospital.

Ms. Fitzgerald: Children's.

Dr. Bal: Children's Hospital, I beg your pardon, which is a mecca of pediatrics. Colonel Marrast Host practices in Atlanta. To just tell you this because since both of them modestly did not mentioned it. Both are veterans of multiple tours and duty in Afghanistan and Iraq. So, this is not their first time at bat in a civilian situation here, while have have actually done it in real-world conditions.

Mr. Bynum: I want to acknowledge you, Dr. Bal. Since you have been here, you are willing to think outside of the box, you have created a number of important opportunities not the least of which was communities putting prevention to work, and it is very much appreciated. Toni, I have known many years. You have these quality individuals like Tommy and Toni to do this. Thank you very much.

Dr. Bal: Thank you, sir.

Chair Furfaro: Councilmember Yukimura.

Ms. Yukimura: Thank you. I feel like Councilmember Bynum has said it all. Dr. Bal, can you tell us how many were served in the last Tropic Care?

Dr. Bal: The actual one we put out was ten thousand three hundred (10,300). It is fair to say over ten thousand (10,000).

Ms. Yukimura: Okay.

Dr. Bal: Ten thousand (10,000) patient encounters.

Ms. Yukimura: Over what period?

Dr. Bal: It was supposed to be eleven (11) days, ten (10) to eleven (11) days, but you will recollect that we had a serious problem with three (3) days of rain. So, they were all rained in at one (1) establishment.

Ms. Yukimura: Right.

Dr. Bal: The church was under water.

Ms. Yukimura: Nothing like having to deal with unexpected circumstances.

Dr. Bal: Right. Actually the County, if you will recollect, was gracious enough to give us pumps to actually pump water out so that they could get into where they were (inaudible). I was nuts how much rain we had.

Ms. Yukimura: Yes.

Dr. Bal: Allowing for that, we still had ten thousand (10,000).

Ms. Yukimura: Well, I remember the flocks of people and the long lines. Most of all, I remember the kind of care people got and one particular story actually I think a life saved because this particular condition was not easily recognizable and she was referred to a mainland facility and I think actually saved her life. So, the quality of care was very, very clear to me; top notch. We are so thankful for this opportunity for our people to get that. I trust that we will do our part with getting the word out so that especially those who need it and cannot afford it will take advantage of this incredible opportunity to come. The other thing I remember is the amazing relationships that were built in terms of the *aloha* that is here from local people and their love and appreciation for the military, the work that you have brought in Dr. Bal with Toni and with Tommy and others. There was this wonderful relationship building that was very, very special. I know those who came took that home with them. They spoke about it. So, it is a win-win-win program. We promise you that the weather will be better. That is a politician's promise. Thank you so much to all of you. We look forward to your coming and serving the community in June. I love Innovative Readiness Training. I love that whole thought of being constantly ready to serve at top level of excellence in an innovative way of training for it. Colonel?

Ms. Fitzgerald: Our other hope is actually also to have a mobile team which gives us a little flexibility and I do not know if Dr. Bal wants to address that. But there were some specific needs identified by the community that we have discussed as a team that we will be able to accommodate to reach out to folks who might not otherwise be able to come of a fixed facility where we are.

Ms. Yukimura:

Wow.

Dr. Bal: Mr. Chairman, my wife watches you folks on the community channel so when I told her I was going, her advice was to me was, "Remember you are old and you chase rabbits so try to keep it brief." So, I was trying to keep it brief. I am glad Colonel Fitzgerald said that because they also went believe it or not, in a span a couple of days, they have been to Kilauea, to the elementary or middle school. I forget which one it is, and the same thing in Hanalei. Again, that is why I said the Superintendent has given up the office more than anyone else. Four (4) of his facilities we are using. But what Colonel Fitzgerald had suggested was in addition to the three (3) stationary clinics, she is going to have a mobile clinic that will hit two (2) or three (3) days and I was delighted that the North Shore, both the electric as well as those who represent that area, will not be on my case saying, "What are we? Chopped liver?" We are going to have, and I think Mr. Chairman, you still have a house in Princeville, right?

Chair Furfaro:

Sure do.

Dr. Bal: So, we are doing Kilauea and we were doing Hanalei three (3) day stints that she has a mobile team. Her three (3) day stint mobile team, she has invited the Robinsons to meet with us and she would take them out to Ni'ihau and we are really delighted that that will work out. She is doing a whole bunch of special populations. She is doing the developmentally disabled, am I forgetting anyone?

Ms. Fitzgerald:

Friendship House.

Dr. Bal: Oh, Friendship House. Oh, my gosh, yes. She knows all of the facilities better than I do. We are doing Friendship House and we are doing the developmentally disabled. We are targeting multiple special groups and Toni will work with the community group today any other special ones. She said, "Listen, anytime you want, I can pull people if I have underused clinics and send them out to wherever special places you need." These people know how to move on a dime so once they have set up their headquarters, they can move things around much quicker than – I hate to suggest this, the County or the State of Hawai'i can.

Chair Furfaro:

Mr. Chock.

Mr. Chock: I just wanted to say what an honor it is to have all of you here. I wanted to thank you. Thomas Noyes, he is everywhere and all of the work that he does. Toni, Dr. Bal, Colonel Fitzgerald, and all of you, thank you so much for the professional service that you offer. This morning we had a discussion on homelessness on Kaua'i and how there is this fine line about where we are, many people; while they work, they do not have a home. I think that what you folks offer is example of *kekahi i kekahi* which is this caring for one another that I think is so important for our community. We are blessed. Thank you for doing what you are doing. If there is any other details that you might want to share with island in terms of what is coming up, then please share it now.

Dr. Bal: Thank you, Councilmember Chock. Colonel Fitzgerald, I must be having a senior moment. She reminded me of several other things that I neglected to say. We owe a debt of thanks to General Wong and Lieutenant Colonel Fantanu. I think the Hawai'i National Guard has been most helpful in helping and we will have the Hanapēpē storage, have the facility available

for storage. I understand we cannot have clinics there. The other thing is again, many of the sites we had earlier we cannot use so we are very limited on sites at that time because we cannot use the church because once we were flooded and it happens to be my church, All Saints Episcopal Church. We are not going to have any nepotism again and have my church as a site. There are many that we cannot use actually. The Hanapēpē Hongwanji because you will appreciate this, it is bon Dance Season so, I got aced out on that. There are community needs as it happens at that time, many other areas are not available to me. The other people who I have to really thank and I have to give you some dates Mr. Chairman, the other people I have to really think is the Governor's Office, the Governor's Advisory Committee Co-Chair Dennis Esaki. He was instrumental with Toni, Thomas, and myself in helping ease things all along and doing it. Wanda Shibata again, has been a great help to us. So, the Governor's Office has played a direct role, an absolutely direct role. The Congressional Delegation has been. I completely forget in fact and Colonel Fitzgerald forgot, they have been very supportive. As you know a new Congresswoman from our district, Tulsi is in the National Guard. I do not know what branch she is in. She is a thirty-one (31) year old Congresswoman who is still in the National Reserve somewhere. Tulsi just loves this mission. She is sending here Military Affairs Secretary to come and meet with us and then she is going to meet with them the next time that they are here. Two (2) dates, Mr. Chair. I always mess up and it is June 14th to June 28th. That is when they leave their home place and then get back. On site, correct me if I am wrong, it is going to June 16th to June 26th. The clinics will be open and up and running. They will set up and breakdown before June 26th. On June 22nd, Mr. Chairman, just like the last time, we would like to invite the Council and I do not want anyone saying that I did not tell them. It is going to be in your minutes, June 22nd, we are going to have a *luau* and I do not know if it is appropriate to say it. But the banks in the community are going to support it heavily. I know First Hawaiian Bank and Bank of Hawai'i. Like you said in the opening remarks, we will show a little *'ohana* to our benefactors. June 22nd I think is a Sunday. The Governor and the Mayor will be there.

Chair Furfaro: I just want to say how very pleased we are. I would like to reference this work that you do for our community as a gift that is very, very much appreciated. As we had a session this morning about our homeless, we will be doing Resolution this afternoon about the devastation in the Philippines of which this reminder is out there about *kōkua* and compassion for everyone that certainly your people have brought to the pride of our Nation. I mean, we are really seen as using our influence for these Countries and for our own communities to promote health, wellness, and *mālama*, care for each other, take care of one another. It is so very, very important. People that are here today, I have to tell you, you are a very impressive group. We are delighted to have you in this building. This building will be recognizing one hundred (100) years of service to our community this coming May. We are the oldest operating government building for its original intent in the whole State of Hawai'i. It is delightful that we have you here. Please also enjoy Kaua'i. We have a lot of good things, a lot of good people, and I am sure they want to show our hospitality while you are here. Take some time to enjoy our island as well. Doctor, I also want to say to you and Colonel Fitzgerald that you bring a lot of pride to our community Doctor. We just very much appreciate you being here with all of these people that are making commitments to make Kaua'i a special place because it really is. Thank you so much.

Dr. Bal:

Thank you, Mr. Chairman.

Chair Furfaro:

Councilmember Yukimura.

Ms. Yukimura: I am grateful that the Chair brought up the Resolution we have in sympathy and support of the victims of Typhoon Haiyan because we experienced a hurricane here over twenty (20) years ago and I happened to be Mayor then. Both Dr. Bal and Councilmember Bynum, well I guess everybody recognizes the very special role of the military and your capability of moving on a dime or mobilizing and responding so quickly. I have to say personally, it was such a different image of the military that I got to see the response that was given in a natural disaster. It just made me so much aware of the gift or the capability of the military, your awesome dedication, and the role of the military in a non-military crisis. You just opened my eyes and I think our communities eyes as to the value of your work. Thank you again.

Chair Furfaro: As we end here, we would like to take a picture in the building in the stairwell going down from the Chambers here with everyone together. We would like to do that right now if we can.

Dr. Bal: We would be privileged, Mr. Chairman.
Thank you.

Chair Furfaro: Thank you very much.

There being no objections, the Council recessed at 11:40 a.m.

There being no objections, the meeting was called back to order at 1:49 p.m., and proceeded as follows:

Chair Furfaro: I believe we could start earlier Councilmember if I am correct from the association, we just have the two (2) of you here. Am I correct? On that note, I will give you the floor.

Ms. Yukimura: Thank you, Mr. Chairman. I believe we are on Resolution No. 2013-75 and I would like to ask that the Resolution be read please.

RESOLUTION:

Resolution No. 2013-75 – RESOLUTION EXPRESSING SYMPATHY AND SUPPORT FOR THE VICTIMS OF TYPHOON HAIYAN AND OUR BROTHERS AND SISTERS IN THE PHILIPPINES

Ms. Fountain-Tanigawa: “WHEREAS, on November 7, 2013, Typhoon Haiyan, believed to be the strongest recorded tropical cyclone to make landfall in history, raged through the Philippines with terrifying wind speeds of up to 195 miles per hour; and

WHEREAS, Typhoon Haiyan caused major devastation to many areas of the Philippines, particularly affecting Samar Island and Leyte including the devastated seaside town of Tacloban. The typhoon claimed over two thousand five hundred (2,500) lives, injuring over four thousand (4,000), with many missing, and the count is still rising; and

WHEREAS, forceful wind speeds, major flooding and massive storm surges destroyed buildings, businesses, crops, and houses, leaving many homeless; and

WHEREAS, the people of Kaua'i know well what it is like to be ravaged by a hurricane, having lived and suffered through two (2) hurricanes in recent history, Hurricane *Iwa* in 1982 and Hurricane *Iniki* in 1992; and

WHEREAS, approximately twenty percent (20%) of Kaua'i's population is of Filipino descent, many of whom have relatives living in the Philippines, which makes the people of the Philippines feel like family or *'ohana* to those who live on Kaua'i; and

WHEREAS, there is a tremendous need for basic supplies and *kōkua*, including money, food, water, temporary shelters, hygiene kits, cooking supplies, generators and medical donations as well as volunteer services; and

WHEREAS, relief efforts by various organizations on Kaua'i are in full force, encouraging all residents to assist in providing the basic essentials for a sister country in need; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Kaua'i County Council expresses its deepest sympathy and support for the victims of Typhoon Haiyan, their families, all those affected by Typhoon Haiyan and the people of the Philippines during this difficult time.

BE IT FURTHER RESOLVED, that the Kaua'i County Council fully supports the relief efforts by various organizations on Kaua'i and urges all residents, businesses, nonprofits and others to provide whatever they can to support the people of the Philippines as they recover and rebuild from the devastation of Typhoon Haiyan."

This Resolution was introduced by Councilmember JoAnn A. Yukimura.

Ms. Yukimura: Thank you.

Ms. Yukimura moved to adopt Resolution No. 2013-75, seconded by Mr. Bynum.

Chair Furfaro: There is a motion and a second.

Chair Furfaro, the presiding officer, relinquished Chairmanship to Ms. Yukimura.

Ms. Yukimura: Thank you, Chair. If we could suspend the rules and ask Charmaine Bulosan and Marymel Valenzuela to please step forward,

both of you together. If you could state your name and the organization you are representing.

There being no objections, there rules were suspended.

CHARMAINE BULOSAN: Hi, my name is Charmaine Bulosan. I am the President of the Kaua'i Filipino Community Council.

MARYMEL VALENZUELA: Good afternoon everyone. I am Marymel Valenzuela and I am the President of the Kaua'i Filipino Chamber of Commerce.

Ms. Yukimura: Thank you for both for being here. We were going to have Virgie Krusada but she had an emergency and she represents which organization?

Ms. Valenzuela: She is the President of the Kaua'i Visayan Club.

Ms. Yukimura: Thank you. We really appreciate the efforts that you personally and the groups that you represent are making to organize relief efforts and raise money for the people of the Philippines, especially areas of Samar Island, Leyte, and Tacloban.

Ms. Valenzuela: That is correct.

Ms. Yukimura: If you would tell us about what you have planned and what you want to do.

Ms. Bulosan: Well, thank you very much JoAnn, for doing this Resolution. When the typhoon hit days after, the outpour of help from all of the different agencies was very overwhelming. For us here on Kaua'i, we thought that the members of the different Filipino organizations decided to get together and try to do one (1) collective fundraiser to start with. This is just the beginning and I believe we will be having more later on. But we just wanted this to be a one (1) collective fundraiser. Like you mentioned, the four (4) sponsoring organizations are the Kaua'i Filipino Chamber of Commerce, President Marymel Valenzuela, Kaua'i Visayan Club, the President which is Virgie Cruzada, and we also have the Kaua'i Council of Filipino Catholic Club whose President is Anabel Portugal, and of course myself President of the Kaua'i Filipino Community Council. Also assisting us or helping us go pretty much in the direction that we need to go into is Randy Francisco from the Kaua'i Chamber of Commerce. We had several meetings and what we will be doing is hosting a Typhoon Haiyan Relief Fund Drive on December 1, 2013 at the Kukui Grove Shopping Center stage starting from 10:00 a.m. and right now we have it from 10:00 a.m. to 3:00 p.m. I am quite sure we will go beyond the 3:00 p.m. This is something similar to what we did for the (inaudible) for Japan. So, we are kind of doing it that way. We are going to have local Kaua'i entertainers in which Art Umezu is helping us line up the entertainers. We are still waiting for clearance to see if we will be able to do things. For example, certain of the Filipino organizations were asking if besides of making money/collect donations for the relief was maybe selling local delicacies from their particular region and whatever money they make would go towards the relief effort also. But we are waiting on the specifications on that one if they are going to approved it. We are also looking at asking for donations from companies whether it be even a trip to Las Vegas like a raffle, am I using the correct terminology; donation? A trip to Las

Vegas or hotel or spas; those kinds of things and they can choose which one they want and whatever money is made, that will all go to the relief. The charities that we are targeting will be the American Red Cross, the FilCom (Filipino Community) Center which is a part of the Consuelo Foundation, and Congress of Visayan Organization who will be donating their money to the ADS-CBN News. I believe it is a television network in the Philippines. Diocesan of Congress of Filipino Catholic Clubs and possibly the Salvation Army. From what I understand the American Red Cross and the FilCom Center are waiving their administration fee so if you are going to donate one hundred dollars (\$100), the full one hundred dollars (\$100) goes to the funds. We are still not sure about ABS-CBN News and the Salvation Army. I think they still have an administration fee. The Congress of Filipino Catholic Clubs said that they have no fees. I think that is all. Thank you.

Ms. Yukimura:

Thank you. Marymel, did you want to add?

Ms. Valenzuela:

It seems like she covered everything. I just want to add also, that on top of the other people like what she said, it had been truly overwhelming; the outpouring effect and the help that is coming in. It is really positive in a sense and we want to thank everyone and especially the Council also for creating this Resolution for us. Sue Kanoho from the Kaua'i Visitor's Bureau is also helping us. So, this is really a collaborative effort from everyone, not just the Filipinos rights not, but everyone. The event that we will be putting together at Kukui Grove on December 1st, this effort will be a kickoff for the fundraising, but there is going to be a prelude on Friday, November 29th. It is going to start at the Jam Room. I am not sure if you are familiar with what the Jam Room is. But it is all of these young folks, children, on Kaua'i who has talents and we are going to include them also in this program. We will start it on Friday and then it is going to continue on until Sunday and like what Charmaine mentioned, it could go to an all-day event. Although we are planning to do it between 10:00 a.m. to 3:00 p.m. At this point, we have a lot of talented artists on Kaua'i who are willing to come and show off their talent. During that time, as people come up and participate in this event, we are also encouraging businesses and individuals to come and join us. We can do a check presentation and talk about the donations that they will be giving us. Some people are calling if they can come their and do their pledges. We will be able to accept donations in cash forms, check forms, as well as credit cards. We are setting that up. We should also have some t-shirts that we will be designing and we will have donation boxes available. So, we are encouraging donation even as small as one dollar (\$1) and if you have a very open heart and you have a big wallet, one million dollars (\$1,000,000) is okay too. We want to thank several companies so far. On Friday, we had our press conference and a short prayer meeting downstairs in front of the Historic lawn. Our first donor was Falko Partners, Shawn Smith donated ten thousand dollars (\$10,000). We also had other companies that gave us one hundred thousand dollars (\$100,000) so far. First Hawaiian Bank, Syngenta, and Hawai'i Electric Industry (HEI). They all gave one hundred thousand dollars (\$100,000) each right now. So, that is really wonderful.

Ms. Bulosan:

Each.

Ms. Valenzuela:

Except for Falko, it is ten thousand dollars (\$10,000), but the rest are one hundred thousand dollars (\$100,000) each.

Mr. Bynum:

Wow.

Ms. Valenzuela: It is dollars, not pesos, just to clarify that. Those are really wonderful. Anyone who has talents who wants to join us and have fun, relax on a Sunday afternoon, you are all welcomed to be at Kukui Grove. So, it is not going to be a boring weekend.

Ms. Yukimura: Your groups never do anything that is boring.

Ms. Bulosan: No.

Ms. Yukimura: Thank you. Other questions or comments?
Chair.

Chair Furfaro: First of all, the Consuelo Foundation, I have not heard of them before. Can you expand on them? Is that an association of Filipino clubs?

Ms. Valenzuela: I am not particularly certain about all of the information about Consuelo. But as far as I am concerned, it is a non-profit organization among Filipino group which we have used before. It is not affiliated with the government by the way. It is an individual group that we also used to channel the funds that we collected during the last typhoon. It was channeled through the FilCom Center and then from the FilCom Center, they took care of distribution funds to the areas that were devastated at that time.

Chair Furfaro: And then...

Ms. Yukimura: Chair, if I may? I believe the Consuelo Foundation is a non-profit that is located on O'ahu. It was founded by a wonderful family, Consuelo family. They have done some tremendous work there throughout the years. But it is wonderful to hear that they are partnering with you to collect monies and to distribute it. It is a Filipino family?

Ms. Valenzuela: Yes.

Ms. Yukimura: Thank you for asking.

Chair Furfaro: I has not heard of them, but I wanted to ask. Also, this morning I heard that all of the banks in Hawai'i with their close ties to the Philippines have acknowledge that you can go to any bank. Is that correct, and make a contribution for collection?

Ms. Bulosan: To my knowledge, yes.

Chair Furfaro: Then, there is this very nicely done *aloha* shirt that it says, "*Aloha*" and it has the Filipino sun in it.

Ms. Bulosan: Right.

Chair Furfaro: is that only on O'ahu or is that shirt sale going to happen at your even as well?

Ms. Valenzuela: We are creating...

Ms. Bulosan: Our own.

Ms. Valenzuela: Our own.

Chair Furfaro: A Kaua'i shirt?

Ms. Valenzuela: Although we are tying in our efforts with O'ahu and all of the other islands so it is going to be a Statewide effort, we have Kaua'i *kōkua* for Philippines. So, it is going to be a circle with the logo of the Philippines and sort of similar to that.

Ms. Bulosan: Something similar.

Ms. Valenzuela: I am putting that together. When I have it all done, we are going to unveil that. But it is going to be shown on the t-shirts. It is going to look good.

Ms. Bulosan: Yes, we want our own for Kaua'i.

Chair Furfaro: Should I be able to solicit some gifts for auction like a couple of rounds of golf or hotel rooms, should I bring it December 1st to the event?

Ms. Bulosan: No, maybe ahead so that we can prepare for it.

Ms. Valenzuela: Yes, that would be nice. Although it you cannot, we can still encourage donations to be delivered at the day of the event because yes, we have silent auctions at each table.

Chair Furfaro: Well, my compliments to you. You sound like you are covering much and there is such close ties. I have had an opportunity to talk about that this morning with the Tropic Care program that is coming up for – a wellness on Kaua'i. We talked about the unified effort in the Philippines as well. Thank you very much for your information and I will give the floor back to you, JoAnn.

Ms. Yukimura: Thank you, Chair. Councilmember Bynum.

Mr. Bynum: I just cannot thank you enough. I mean one of the things I have learned living here is when the Filipino community gets energized, watch out. You folks know how to do amazing events and you folks have always stepped up for *kōkua* whether it was for Japan or Philippines. The leadership team in the Filipino community is an amazing sight to see. Hey, this a chance. December 1st is the big event, we need silent auction donations, we need to show up at the event, and *kōkua* Kaua'i. Thank you so much. I thought, who is going to organize for the Philippines, it is like, what a silly question. Thank you.

Ms. Valenzuela: Thank you.

Ms. Yukimura: Thank you, Tim. Anyone else, comments?

Mr. Rapozo: Just thank you very much. It is devastating what we see on television. I can only imagine what is happening on the ground over

there. It is just so sad. I do not know how many families on Kaua'i are directly connected with some of those families. I am sure there is a lot. There is quite a bit.

Ms. Valenzuela: Unfortunately, the Kaua'i Visayan Club President, Virgie, could not make it today. But she would be a great witness to a lot of the stories that is happening over there because even her husband is from that area, the exact area where it got hit permanently in Tacloban.

Mr. Rapozo: Well, we all pray to all of them. We suffered from the hurricane and there was some hurricane related fatalities, but nothing like the magnitude of what has occurred in the Philippines or in Japan for that matter. Just knowing the relationships and the ties connected to Kaua'i and the State, it just has to be a tough time right now for everyone. I appreciate what you folks are doing and encouraging everyone to participate as best as they can. Again, our prayers go out to all of them and the families. Thank you.

Ms. Bulosan: Thank you.

Ms. Valenzuela: Thank you.

Ms. Yukimura: Thank you, Councilmember. Councilmember Chock.

Mr. Chock: Just to echo my colleagues here, but providing praises for the work that you folks have done. It really rallied the Filipino community, but also the rest of Kaua'i together to support this devastating outcome for people abroad. Thank you so much for your time and efforts.

Ms. Bulosan: Thank you.

Ms. Yukimura: Thank you. You mentioned your work, the event, Bayanihan for Japan, and it was very moving for me as a person of Japanese ancestry to have the Filipino rally on behalf of the victims of the Fukushima earthquake. I just want to recall that for everyone that is out in the community of Japanese ancestry that we need to rally because this condition of suffering from natural disaster is a universal problem, struggles, and we all need to help each other. Especially, on Kaua'i because we know personally what it is like to go through a hurricane, to not have drinkable water, not have a home, and not have electricity. We can remember and so we need to help now when others are in that plight. Is there anything else that you want to tell us at this point?

Ms. Bulosan: No, I am fine.

Ms. Yukimura: If not – oh, I know what I wanted to ask. Is there also, we have heard people can go to banks if they want to, they can – is there a website or any other way that they can donate or send checks or money to?

Ms. Valenzuela: Right now we are working on putting a lot of the information on the website because everything is happening so fast.

Ms. Yukimura: I know.

Ms. Valenzuela: We had our meeting on Saturday and all of the Filipino groups were together. We are going to have another one this Sunday.

We are creating a calendar of events for everyone because there are more organizations that are doing their own little thing that we will eventually all support. But we are still putting that calendar together. To answer that information, a lot of the banks are helping to collect donations right now to expedite the process. They can also call the four (4) ladies which is myself, Charmaine, Virgie, and Anabel and also the Kaua'i Chambers. We call it the hotline, (808)651-9139, if I remember that correctly.

Chair Furfaro: Say it slowly for our viewers.

Ms. Valenzuela: It is (808)651-9139.

Chair Furfaro: Thank you.

Ms. Valenzuela: And there is a live person that should answer that number. I can also give my phone number. I am not going to say it – should I say that here? They can call my office by the way at (808)246-0147 for further information. Charmaine, if you want to share yours.

Ms. Yukimura: You do not have to.

Ms. Bulosan: No, not really. I do not want to. I was going to mention, you mentioned something about a website. There is a newly formed Filipino group. During the earthquake a group was formed here on Kaua'i called the Kaua'i Filipino Humanitarian Society. This is headed by Theodore A. Daligdig and he has Mitchell Ouye, Jr. in the group. They have put up a website that they are helping. They are also involved with us for this event, but they availed their website in case you want to go on.

Ms. Valenzuela: I have that website. It is <http://www.gofundme.com/KFHSRelief>, which is Kaua'i Filipino Humanitarian Society Relief. Go fund me is G-O-F-U-N-D, as in David, M-E.

Ms. Yukimura: Alright.

Ms. Valenzuela: More of the information that we gather, we are going to put it on the Kaua'i Filipino Chamber website as they become available.

Ms. Yukimura: Wonderful. Well, we thank you for all of you efforts and we urge all the millions watching to please *kōkua* and do whatever we can because every bit helps.

Ms. Bulosan: Yes.

Ms. Yukimura: Wherever people want to donate, they can do that.

Ms. Valenzuela: Right.

Ms. Yukimura: Because it will all go to the people who need that help.

Ms. Bulosan: Yes.

Ms. Yukimura: Alright. Thank you so much.

Ms. Valenzuela: Thank you.

Ms. Bulosan: Thank you very much.

Chair Furfaro: Thank you very much. We will see you on the 29th of November and the 1st of December?

Ms. Bulosan: Correct.

Ms. Valenzuela: That is correct.

Ms. Bulosan: Thank you very much.

Ms. Valenzuela: Thank you.

Ms. Yukimura returned Chairmanship to Chair Furfaro.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: We did read the Resolution and we would like to have a roll call vote. We have a motion and a second. But I will give you the floor.

Ms. Yukimura: Chair, I have a small amendment. I am inserting the names of the Filipino organizations into the last "BE IT RESOLVED."

Chair Furfaro: Oh, okay.

Ms. Yukimura moved to amend Resolution No. 2013-75 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment A, seconded by Mr. Bynum, and carried by the following vote 5:0:2 (Mr. Hooser and Mr. Kagawa were excused).

The motion to adopt Resolution No. 2013-75 as amended was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Rapozo, Yukimura,	
	Furfaro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Hooser, Kagawa	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes, two (2) excused.

Chair Furfaro: Thank you. Five (5) ayes, two (2) excused.
Does this conclude our business for the day?

Ms. Fountain-Tanigawa: We have one more item that we need to just finish up the vote on. That was C 2013-368. There is a motion and a second to receive. We just need to take the vote.

Chair Furfaro: Ladies, thank you once again. We will see you on the November 29th and the December 1st. Thank you. Jade, I am sorry.

Ms. Fountain-Tanigawa: This is C 2013-368. There is a motion and a second. We just need to take a vote and then that will be the business for today.

Chair Furfaro: Roll call vote?

Ms. Fountain-Tanigawa: Voice vote.

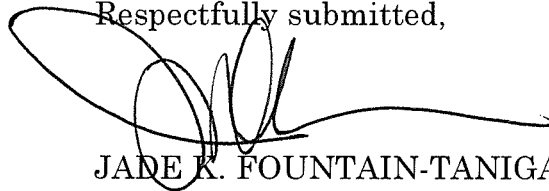
The motion to receive C 2013-368 for the record was then put, and carried by a vote of 5:0:2 (Mr. Hooser and Mr. Kagawa were excused).

Chair Furfaro: Our business for the day is complete.

ADJOURNMENT.

There being no further business, the meeting was adjourned at 2:17 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

:aa

(November 20, 2013)

FLOOR AMENDMENT

Resolution No. 2013-75, Resolution Expressing Sympathy and Support for the Victims of Typhoon Haiyan and Our Brothers and Sisters in the Philippines

Introduced by: JOANN A. YUKIMURA

1. Amend the ninth paragraph of Resolution No. 2013-75 to read as follows:

“BE IT FURTHER RESOLVED, that the Kaua‘i County Council fully supports the relief efforts by the Kaua‘i Filipino Community Council, the Kaua‘i Filipino Chamber of Commerce, the Kaua‘i Visayan Club, the Kaua‘i Council of Filipino Catholic Clubs, and various organizations on Kaua‘i and urges all residents, businesses, nonprofits and others to provide whatever they can to support the people of the Philippines as they recover and rebuild from the devastation of Typhoon Haiyan. Any donations may be contributed to the American Red Cross, the Filipino Community Center / Consuelo Foundation, the Congress of Visayan Organizations, the Diocesan Congress of Filipino Catholic Clubs, the Salvation Army, or other various organizations that provide relief efforts to the Philippines.”

(Material to be deleted is bracketed. New material to be added is underscored.)